



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5935/1
EHS:klm

2023 SENATE BILL 1067

February 26, 2024 - Introduced by Senators ROYS, L. JOHNSON, SPREITZER, HESSELBEIN and LARSON, cosponsored by Representatives DOYLE, JACOBSON, BARE, STUBBS, EMERSON, CONLEY, SNODGRASS, PALMERI, CONSIDINE, CLANCY, MOORE OMOKUNDE, DRAKE, JOERS, SUBECK, SINICKI, MYERS, ANDRACA, C. ANDERSON, OHNSTAD, SHELTON, MADISON and HAYWOOD. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 48.02 (1d), 48.02 (2), subchapter IX (title) of chapter 48
2 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45 (3), 118.163 (4),
3 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c)
4 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.02 (1), 938.02 (10m), 938.12 (2),
5 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3),
6 938.35 (1m), 938.355 (4) (b), 938.355 (4m) (a), 938.39, subchapter IX (title) of
7 chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m)
8 (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14), 938.57 (3) (title), 938.57 (3)
9 (a) (intro.), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57 (3) (b), 946.50 (intro.),
10 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455
11 (title), 961.455 (1), 961.455 (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1),
12 961.575 (2), 961.575 (3), 990.01 (3) and 990.01 (20); and *to create* 20.437 (1) (cL)

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1 and 48.5275 of the statutes; **relating to:** the age of juvenile court jurisdiction
2 and making an appropriation.

Analysis by the Legislative Reference Bureau***Age of juvenile court jurisdiction***

This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code. The bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code, including placement in a juvenile correctional facility.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code.

Seventeen-year-old juvenile justice aids

Under current law, counties are responsible for paying the costs associated with juvenile delinquency-related services, including the costs for a placement of a juvenile in a juvenile correctional facility, juvenile detention facility, or the juvenile portion of a county jail. The bill creates a sum sufficient appropriation for Department of Children and Families to reimburse counties, beginning on January 1, 2024, for costs associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 20.437 (1) (cL) of the statutes is created to read:

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1 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
2 described in s. 48.13 it appears that any ~~person 17 years of age or older~~ adult has been
3 guilty of contributing to, encouraging, or tending to cause by any act or omission,
4 ~~such~~ that condition of the child, the judge may make orders with respect to the
5 conduct of ~~such~~ that person in his or her relationship to the child, including orders
6 determining the ability of the person to provide for the maintenance or care of the
7 child and directing when, how, and from where funds for the maintenance or care
8 shall be paid.

9 **SECTION 7.** 48.45 (1) (am) of the statutes is amended to read:

10 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
11 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
12 that any ~~person 17 years of age or over~~ adult has been guilty of contributing to,
13 encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the
14 unborn child and expectant mother, the judge may make orders with respect to the
15 conduct of ~~such~~ that person in his or her relationship to the unborn child and
16 expectant mother.

17 **SECTION 8.** 48.45 (3) of the statutes is amended to read:

18 48.45 (3) If it appears at a court hearing that any ~~person 17 years of age or older~~
19 adult has violated s. 948.40, the judge shall refer the record to the district attorney
20 for criminal proceedings as may be warranted in the district attorney's judgment.
21 This subsection does not prevent prosecution of violations of s. 948.40 without the
22 prior reference by the judge to the district attorney, as in other criminal cases.

23 **SECTION 9.** 48.5275 of the statutes is created to read:

24 **48.5275 Seventeen-year-old juvenile justice aids.** Notwithstanding s.
25 48.526, from the appropriation under s. 20.437 (1) (cL), beginning on January 1,

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1 2024, the department shall reimburse counties for the costs under s. 48.526 (2) (c)
2 associated with juveniles who were alleged to have violated a state or federal
3 criminal law or any civil law or municipal ordinance at age 17.

4 **SECTION 10.** 118.163 (4) of the statutes is amended to read:

5 118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of
6 disposition is subject to s. 938.342.

7 **SECTION 11.** 125.07 (4) (d) of the statutes is amended to read:

8 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
9 disposition is subject to s. 938.344 unless proceedings have been instituted against
10 the person in a court of civil or criminal jurisdiction after dismissal of the citation
11 under s. 938.344 (3).

12 **SECTION 12.** 125.07 (4) (e) 1. of the statutes is amended to read:

13 125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty
14 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

15 **SECTION 13.** 125.085 (3) (bt) of the statutes is amended to read:

16 125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of
17 disposition is subject to s. 938.344 unless proceedings have been instituted against
18 the person in a court of civil or criminal jurisdiction after dismissal of the citation
19 under s. 938.344 (3).

20 **SECTION 14.** 165.83 (1) (c) 1. of the statutes is amended to read:

21 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~
22 ~~of 17~~ an adult and that is a felony or a misdemeanor.

23 **SECTION 15.** 165.83 (1) (c) 2. of the statutes is amended to read:

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1 165.83 (1) (c) 2. An act that is committed by a ~~person~~ minor who has attained
2 the age of 10 but ~~who has not attained the age of 17~~ and that would be a felony or
3 misdemeanor if committed by an adult.

4 **SECTION 16.** 301.12 (2m) of the statutes is amended to read:

5 301.12 (2m) The liability specified in sub. (2) shall not apply to ~~persons 17 and~~
6 ~~older~~ adults receiving care, maintenance, services, and supplies provided by prisons
7 named in s. 302.01.

8 **SECTION 17.** 301.12 (14) (a) of the statutes is amended to read:

9 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
10 specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17~~
11 ~~years of age~~ minors in residential, nonmedical facilities such as group homes, foster
12 homes, residential care centers for children and youth, and juvenile correctional
13 institutions is determined in accordance with the cost-based fee established under
14 s. 301.03 (18). The department shall bill the liable person up to any amount of
15 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party
16 benefits, subject to rules that include formulas governing ability to pay promulgated
17 by the department under s. 301.03 (18). Any liability of the resident not payable by
18 any other person terminates when the resident ~~reaches age 17~~ becomes an adult,
19 unless the liable person has prevented payment by any act or omission.

20 **SECTION 18.** 302.31 (7) of the statutes is amended to read:

21 302.31 (7) The temporary placement of persons in the custody of the
22 department, other than ~~persons under 17 years of age~~ minors, and ~~persons who have~~
23 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years
24 who are under the supervision of the department under s. 938.355 (4) and who have

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1 been taken into custody pending revocation of community supervision or aftercare
2 supervision under s. 938.357 (5) (e).

3 **SECTION 19.** 938.02 (1) of the statutes is amended to read:

4 938.02 (1) "Adult" means a person who is 18 years of age or older, ~~except that~~
5 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
6 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~
7 ~~means a person who has attained 17 years of age.~~

8 **SECTION 20.** 938.02 (10m) of the statutes is amended to read:

9 938.02 (10m) "Juvenile," when used without further qualification, means a
10 person who is less than 18 years of age, ~~except that for purposes of investigating or~~
11 ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~
12 ~~or any civil law or municipal ordinance, "juvenile" does not include a person who has~~
13 ~~attained 17 years of age.~~

14 **SECTION 21.** 938.12 (2) of the statutes is amended to read:

15 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition
16 alleging that a juvenile is delinquent is filed before the juvenile is ~~17 years of age~~
17 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting
18 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before
19 an adjudication, the court retains jurisdiction over the case.

20 **SECTION 22.** 938.18 (2) of the statutes is amended to read:

21 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
22 district attorney or the juvenile or may be initiated by the court and shall contain a
23 brief statement of the facts supporting the request for waiver. The petition for waiver
24 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
25 delinquency and shall be filed prior to the plea hearing, except that if the juvenile

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1 denies the facts of the petition and becomes ~~17 years of age~~ an adult before an
2 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
3 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
4 judge shall disqualify himself or herself from any future proceedings on the case.

5 **SECTION 23.** 938.183 (3) of the statutes is amended to read:

6 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013
7 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s.
8 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department
9 of corrections may place the juvenile in a state prison named in s. 302.01, except that
10 that department may not place any person under the age of 18 years in the
11 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a
12 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act
13 committed before December 31, 1999, is eligible for parole under s. 304.06.

14 **SECTION 24.** 938.255 (1) (intro.) of the statutes is amended to read:

15 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
16 under this chapter, other than a petition initiating proceedings under s. 938.12,
17 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
18 person under the age of 18".~~." A petition initiating proceedings under s. 938.12,~~
19 ~~938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person~~
20 ~~under the age of 17".~~ juvenile." A petition initiating proceedings under this chapter
21 shall specify all of the following:

22 **SECTION 25.** 938.34 (8) of the statutes is amended to read:

23 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
24 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.
25 The maximum forfeiture that the court may impose under this subsection for a

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1 violation by a juvenile is the maximum amount of the fine that may be imposed on
2 an adult for committing that violation or, if the violation is applicable only to ~~a person~~
3 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the
4 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months
5 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the
6 forfeiture and order other alternatives under this section; or the court may suspend
7 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
8 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
9 than 2 years. If the court suspends any license under this subsection, the clerk of the
10 court shall immediately take possession of the suspended license if issued under ch.
11 29 or, if the license is issued under ch. 343, the court may take possession of, and if
12 possession is taken, shall destroy, the license. The court shall forward to the
13 department ~~which~~ that issued the license a notice of suspension stating that the
14 suspension is for failure to pay a forfeiture imposed by the court, together with any
15 license issued under ch. 29 of which the court takes possession. If the forfeiture is
16 paid during the period of suspension, the suspension shall be reduced to the time
17 period ~~which~~ that has already elapsed and the court shall immediately notify the
18 department, which shall then, if the license is issued under ch. 29, return the license
19 to the juvenile. Any recovery under this subsection shall be reduced by the amount
20 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

21 **SECTION 26.** 938.343 (2) of the statutes is amended to read:

22 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
23 forfeiture that may be imposed on an adult for committing that violation or, if the
24 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The
25 order shall include a finding that the juvenile alone is financially able to pay and

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1 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
2 the court may suspend any license issued under ch. 29 or suspend the juvenile's
3 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
4 shall immediately take possession of the suspended license if issued under ch. 29 or,
5 if the license is issued under ch. 343, the court may take possession of, and if
6 possession is taken, shall destroy, the license. The court shall forward to the
7 department ~~which~~ that issued the license the notice of suspension stating that the
8 suspension is for failure to pay a forfeiture imposed by the court, together with any
9 license issued under ch. 29 of which the court takes possession. If the forfeiture is
10 paid during the period of suspension, the court shall immediately notify the
11 department, which shall, if the license is issued under ch. 29, return the license to
12 the person. Any recovery under this subsection shall be reduced by the amount
13 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

14 **SECTION 27.** 938.344 (3) of the statutes is amended to read:

15 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
16 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an
17 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
18 at the request of the district attorney or on its own motion, dismiss the citation
19 without prejudice and refer the matter to the district attorney for prosecution under
20 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
21 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
22 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

23 **SECTION 28.** 938.35 (1m) of the statutes is amended to read:

24 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
25 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation

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1 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
2 in criminal court when the juvenile attains ~~17 years of age~~ becomes an adult. This
3 subsection does not affect proceedings in criminal court that have been transferred
4 under s. 938.18.

5 **SECTION 29.** 938.355 (4) (b) of the statutes is amended to read:

6 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
7 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
8 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
9 whichever is earlier, unless the court specifies a shorter period of time or the court
10 terminates the order sooner. If the order does not specify a termination date, it shall
11 apply for one year after the date on which the order is granted or until the juvenile's
12 ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order
13 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
14 the juvenile attains 18 years of age shall apply for 5 years after the date on which the
15 order is granted, if the juvenile is adjudicated delinquent for committing a violation
16 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
17 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
18 juvenile is adjudicated delinquent for committing an act that would be punishable
19 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
20 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile
21 ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after
22 the date on which the order is granted unless the court specifies a shorter period of
23 time or the court terminates the order sooner. No extension under s. 938.365 of an
24 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted

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1 for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the
2 original dispositional order terminates.

3 **SECTION 30.** 938.355 (4m) (a) of the statutes is amended to read:

4 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
5 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition
6 the court to expunge the court's record of the juvenile's adjudication. Subject to par.
7 (b), the court may expunge the record if the court determines that the juvenile has
8 satisfactorily complied with the conditions of his or her dispositional order and that
9 the juvenile will benefit from, and society will not be harmed by, the expungement.

10 **SECTION 31.** 938.39 of the statutes is amended to read:

11 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
12 court of any violation of state law within its jurisdiction under s. 938.12 bars any
13 future criminal proceeding on the same matter in circuit court when the juvenile
14 ~~reaches the age of 17~~ becomes an adult. This section does not affect criminal
15 proceedings in circuit court that were transferred under s. 938.18.

16 **SECTION 32.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
17 statutes is amended to read:

CHAPTER 938**SUBCHAPTER IX****JURISDICTION OVER PERSONS ~~17~~****OR OLDER ADULTS**

22 **SECTION 33.** 938.44 of the statutes is amended to read:

23 **938.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has
24 jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 938.355
25 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

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1 **SECTION 34.** 938.45 (1) (a) of the statutes is amended to read:

2 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
3 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
4 person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging,
5 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the
6 court may make orders with respect to the conduct of that person in his or her
7 relationship to the juvenile, including orders relating to determining the ability of
8 the person to provide for the maintenance or care of the juvenile and directing when,
9 how, and from where funds for the maintenance or care shall be paid.

10 **SECTION 35.** 938.45 (3) of the statutes is amended to read:

11 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
12 If it appears at a court hearing that any person ~~17 years of age or older~~ adult has
13 violated s. 948.40, the court shall refer the record to the district attorney. This
14 subsection does not prohibit prosecution of violations of s. 948.40 without the prior
15 reference by the court to the district attorney.

16 **SECTION 36.** 938.48 (4m) (title) of the statutes is amended to read:

17 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO
18 BECOME ADULTS.

19 **SECTION 37.** 938.48 (4m) (a) of the statutes is amended to read:

20 938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

21 **SECTION 38.** 938.48 (4m) (b) of the statutes is amended to read:

22 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,
23 938.34 (4h), or 938.357 (3) or (4) when the person reached ~~17 years of age~~ became an
24 adult.

25 **SECTION 39.** 938.48 (14) of the statutes is amended to read:

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1 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME
2 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation
3 under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became
4 adults, were students regularly attending a school, college, or university or regularly
5 attending a course of vocational or technical training designed to prepare them for
6 gainful employment, and who upon ~~attaining that age~~ becoming adults were under
7 the supervision of the department under s. 938.183, 938.34 (4h), or 938.357 (3) or (4)
8 as a result of a judicial decision.

9 **SECTION 40.** 938.57 (3) (title) of the statutes is amended to read:

10 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME
11 ADULTS.

12 **SECTION 41.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

13 938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),
14 counties may provide funding for the maintenance of any juvenile person who meets
15 all of the following qualifications:

16 **SECTION 42.** 938.57 (3) (a) 1. of the statutes is amended to read:

17 938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

18 **SECTION 43.** 938.57 (3) (a) 3. of the statutes is amended to read:

19 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
20 ~~his or her 17th birthday~~ becoming an adult.

21 **SECTION 44.** 938.57 (3) (b) of the statutes is amended to read:

22 938.57 (3) (b) The funding provided for the maintenance of a juvenile person
23 under par. (a) shall be in an amount equal to that which the juvenile person would
24 receive under s. 48.569 (1) (d) if the person were a juvenile were ~~16 years of age~~.

25 **SECTION 45.** 946.50 (intro.) of the statutes is amended to read:

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1 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
2 who intentionally fails to appear before the court assigned to exercise jurisdiction
3 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
4 does not return to that court for a dispositional hearing before ~~attaining the age of~~
5 ~~17 years~~ becoming an adult is guilty of the following:

6 **SECTION 46.** 948.01 (1) of the statutes is amended to read:

7 948.01 (1) “Child” means a person who has not attained the age of 18 years,
8 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~
9 ~~state or federal criminal law, “child” does not include a person who has attained the~~
10 ~~age of 17 years.~~

11 **SECTION 47.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

12 948.11 (2) (am) (intro.) Any person ~~who has attained the age of 17 and~~ adult
13 who, with knowledge of the character and content of the description or narrative
14 account, verbally communicates, by any means, a harmful description or narrative
15 account to a child, with or without monetary consideration, is guilty of a Class I
16 felony if any of the following applies:

17 **SECTION 48.** 948.45 (1) of the statutes is amended to read:

18 948.45 (1) Except as provided in sub. (2), any person ~~17 years of age or older~~
19 adult who, by any act or omission, knowingly encourages or contributes to the
20 truancy, as defined under s. 118.16 (1) (c), of a person ~~17 years of age or under~~ child
21 is guilty of a Class C misdemeanor.

22 **SECTION 49.** 948.60 (2) (d) of the statutes is amended to read:

23 948.60 (2) (d) A person ~~under 17 years of age~~ child who has violated this
24 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under

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1 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
2 under s. 938.183.

3 **SECTION 50.** 948.61 (4) of the statutes is amended to read:

4 948.61 (4) A ~~person under 17 years of age~~ child who has violated this section
5 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
6 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
7 938.183.

8 **SECTION 51.** 961.455 (title) of the statutes is amended to read:

9 **961.455 (title) Using a ~~child~~ minor for illegal drug distribution or**
10 **manufacturing purposes.**

11 **SECTION 52.** 961.455 (1) of the statutes is amended to read:

12 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
13 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~
14 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

15 **SECTION 53.** 961.455 (2) of the statutes is amended to read:

16 961.455 (2) The knowledge requirement under sub. (1) does not require proof
17 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under
18 this section that the actor mistakenly believed that the person solicited, hired,
19 directed, employed, or used under sub. (1) had attained the age of 18 years, even if
20 the mistaken belief was reasonable.

21 **SECTION 54.** 961.46 of the statutes is amended to read:

22 **961.46 Distribution to ~~persons under age 18~~ minors.** If ~~a person 17 years~~
23 ~~of age or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled
24 substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor
25 who is at least 3 years his or her junior, the applicable maximum term of

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1 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not
2 more than 5 years.

3 **SECTION 55.** 961.573 (2) of the statutes is amended to read:

4 961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
5 is subject to a disposition under s. 938.344 (2e).

6 **SECTION 56.** 961.574 (2) of the statutes is amended to read:

7 961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
8 is subject to a disposition under s. 938.344 (2e).

9 **SECTION 57.** 961.575 (1) of the statutes is amended to read:

10 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
11 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor who is
12 at least 3 years younger than the violator may be fined not more than \$10,000 or
13 imprisoned for not more than 9 months or both.

14 **SECTION 58.** 961.575 (2) of the statutes is amended to read:

15 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
16 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

17 **SECTION 59.** 961.575 (3) of the statutes is amended to read:

18 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)
19 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty
20 of a Class G felony.

21 **SECTION 60.** 990.01 (3) of the statutes is amended to read:

22 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
23 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
24 ~~have violated any state or federal criminal law or any civil law or municipal~~
25 ~~ordinance, "adult" means a person who has attained the age of 17 years.~~

